

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13821, of Frank R. Gailor, as amended, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Sub-section 7104.2 to change a non-conforming use from a warehouse to the offices of a non-profit organization, second, third and part of the ground floor and under Paragraph 8207.11 for a variance from the prohibition against making structural changes to permit the installation of an elevator (Sub-paragraph 7106.121) in an R-4 District at the premises 218 D Street, S. E., (Square 763, Lot 2).

HEARING DATES: September 15 and September 29, 1982

DECISION DATE: October 6, 1982

DISPOSITION: The application was GRANTED with conditions by a vote of 3-2 (Walter B. Lewis, William F. McIntosh and Douglas J. Patton to grant; Connie Fortune and Charles R. Norris opposed to the motion).

Final Date of Order: December 15, 1982

ORDER

On December 27, 1982, three motions for reconsideration of the Board's decision granting the subject application were filed by parties in opposition, Charles B. Fowler, John Pontius, and the Capitol Hill Restoration Society. The motions allege that the Board made errors in its Findings of Fact Nos. 7, 8, 9, 14, 15, 25, 27, 28, 31, 32, 33, 40 and 44. In summary the opposition contends:

- a. That the Board did not consider the predominantly residential character of the immediate area, including the PEPCO sub-station and the American Legion building.
- b. That the Board's finding that non-profit office use would be less intense than the existing warehouse use is in error and was based on "hearsay" evidence presented by the applicant's historic expert on the intensity of the warehouse use rather than the observations of immediate neighbors. In addition, the opposition believes the Board erred in considering the intensity of

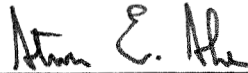
unlawful. Accordingly the motions for reconsideration are hereby DENIED.

Date of Decision: February 2, 1983

VOTE: 4-0 (Walter B. Lewis, Douglas J. Patton, William F. McIntosh and Charles R. Norris to deny the motions; Carrie L. Thornhill not voting, not having heard the case.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: _____

MAR 11 1983

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

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